IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 781 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/01/2005 in Rev.WPMP.No: 31450 OF 2004 in WP.NO.17445 of 2004 on the file of the High Court.)

Between:

N.Sathaiah, S/o. N.Bagaiah,
R/o.H.No.LIG-71, A.P.H.B., Near Govt., Degree College,
T.R.Colony, Medak, Medak District.

..... APPELLANT

AND

1 The Depot Manager, APSRTC, Narayankhed Depot, Narayankhed, Medak District.
2 The Divisional Manager, APSRTC, Medak Division, Sanga Reddy, Medak District.
3 Chief Inspector (Enquiries), Regional Manager's office, APSRTC, Medak Region, Sangareddy, Medak District.

.....RESPONDENTS

Counsel for the Appellant : MR.J.M.NAIDU

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the stage of admission, made the following :

JUDGMENT: **(per the Hon'ble Sri Justice L.Narasimha Reddy)**

The appellant was appointed as conductor in the A.P.S.R.T.C. on 02.04.1980. Disciplinary proceedings were initiated against him alleging that while conducting the service on 25.07.2002, he committed certain irregularities. Charge Sheet was issued on 06.08.2002 and the appellant submitted his explanation. An enquiry was conducted and the Enquiry Officer has submitted his report on 11.10.2002. The charges levelled against the appellant were held proved.

The Corporation issued a show-cause notice to the appellant on the basis of the findings recorded by the Enquiry Officer. The appellant submitted his comments/objections on 09.11.2002 and a further show-cause notice was issued on 12.11.2002. The appellant submitted his explanation on 12.12.2002. On a consideration of the same, the Corporation removed the appellant from service through its order, dated 10.12.2002.

The appellant filed Writ Petition No.17445 of 2004 challenging the order of removal and the same was dismissed by a learned single Judge on 02.12.2004 on the short ground that the appellant had an effective alternative remedy by way of raising a dispute before the Labour Court. The appellant filed Review W.P.M.P.No.31450 of 2004 and it was rejected on 20.01.2005. Hence, this Writ Appeal.

Learned counsel for the appellant Sri J.M.Naidu submits that the alternative remedy of approaching the Labour Court is not a bar for invoking the jurisdiction of this Court inasmuch as the respondents have committed a material irregularity in ordering removal of the appellant. According to him, the reasons furnished in the order of

removal are totally unconnected to the charges framed in the Charge Sheet.

Learned counsel for the respondents on the other hand submits that unless the removal was without any enquiry or contrary to the settled principles of law, the writ petition cannot be maintained without availing the remedy of approaching the Labour Court.

From a perusal of the order of removal, it is evident that the disciplinary authority had taken into account the two charges levelled against the appellant and has undertaken extensive discussion. It has also taken into account the findings recorded by the Enquiry Officer. Even assuming that a different view is possible on the material available on record, it cannot constitute a ground to entertain the writ petition straight away. The remedy provided to an employee under the Industrial Disputes Act is effective and the Labour Court would be in a better position to appreciate and examine the matter, with reference to the record. We do not find any basis as to how the appellant can straight away approach this Court without exhausting the effective statutory remedy. We also do not find any basis to interfere with the order of the learned single Judge.

The Writ Appeal is accordingly dismissed.

(T.MEENA KUMARI, J)

(L.NARASIMHA REDDY, J)

Dt: 06.04.2005

bsv/lvl

To

1 The Depot Manager, APSRTC, Narayankhed Depot, Narayankhed, Medak District.
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